

### PRESENT:

Mr. F. Wayne Bass, Vice Chairman

Dr. William P. Brown

Mr. Sam R. Hassen

Mr. Reuben J. Waller, Jr.

## ABSENT:

Mr. Russell J. Gulley, Chairman

Mr. Kirkland A. Turner, Secretary to the Commission, Planning Director

## ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information Section, Planning Department

Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department

Ms. Beverly F. Rogers, Assistant Director, Zoning and Special Projects Section, Planning Department

Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department

Ms. Jane Peterson, Planning and Special Projects Manager, Zoning and Special Projects Section, Planning Department

Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department

Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department

Ms. Karen Crenshaw, Planning and Special Projects Coordinator, Zoning and Special Projects Section, Planning Department

Mr. Gregory E. Allen, Planning Administrator,

Development Review Section, Planning Department

Mr. Alan G. Coker, Senior Planner, Development Review Section, Planning Department

Mr. Carl D. Schlaudt, Planning Administrator,
Planning Department

Mr. Jeffery H. Lamson, Senior Planner, Development Review Section, Planning Department

Mr. Jeff Dopp, Senior Planner, Development Review Section, Planning Department

Ms. Velincia Fields, Planning Technician, Development Review Section, Planning Department

Mr. Ryan Ramsey, Senior Planner, Development Review Section, Planning Department

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Ms. Amy Somervell, Senior Planner, Development

Review Section, Planning Department

Mr. Russell Mills, Planner, Development Review

Section, Planning Department

Ms. Lisa Caudill, Administrative Assistant, Administration

Section, Planning Department

Ms. Pamela Nichols, Clerk to the Commission,

Zoning and Special Projects Section, Planning Department

Ms. Rheanna Murray, Administrative Assistant, Administration

Section, Planning Department

Ms. Sytira Kirby, Planning Technician, Development

Review Section, Planning Department

Ms. Barbara L. Fassett, Planning Administrator, Advance Planning

and Research Section, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning

and Research Section, Planning Department

Mr. Steven F. Haasch, Principal Planner, Advance Planning and

Research Section, Planning Department

Mr. Zachary Mayo, Planning Data and Geographic Analyst,

Advance Planning and Research Section, Planning Department

Ms. Stacy Taffer, Administrative Supervisor, Administration

Section, Planning Department

Ms. Heather Barrar, Principal Planner, Advance Planning

and Research Section, Planning Department

Mr. David W. Robinson, Assistant County Attorney,

County Attorney's Office

Mr. R. John McCracken, Director,

**Transportation Department** 

Mr. Richard M. McElfish, Director,

**Environmental Engineering Department** 

Mr. Douglas Pritchard, Jr., Engineering Supervisor,

**Environmental Engineering Department** 

Mr. Scott Flanigan, Water Quality Manger,

**Environmental Engineering Department** 

Lieutenant Frank Nause, Fire and

Emergency Services, Fire Department

Mr. Randy Phelps, Principal Engineer

**Utilities Department** 

Ms. Patricia W. Kizzie, Assistant Director,

**Budget and Management Department** 

Ms. Carol Judkins, Budget and Management Analyst,

**Budget and Management Department** 

Dr. Mike Etienne, Communications Specialist,

Planning Department, School Administration

#### ASSEMBLY AND WORK SESSION

Messrs. Bass, Brown, Hassen, Waller and staff assembled at 12:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session

# I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Mr. Rogers apprised the Commission that staff requested amendments to the agenda to include rescheduling the public hearing on the Code Amendment Relative to Height of Church Steeples to the November 18, 2008 public hearing; rescheduling the Presentation by Sign Industry Representatives Relative to Electronic Message Centers to the November 18, 2008 work session; and deferring Approval of the September 16, 2008, Planning Commission Minutes to the November 18, 2008 meeting. On motion of Dr. Brown, seconded by Mr. Waller, the Commission amended the agenda as follows:

- I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.
- II. Review **Upcoming Agendas**. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review Day's Agenda. (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)
- IV. Work Program Review and Update.
- V. Planning Topics-Chesterfield County Community Indicators Report.
- VI. Proposed Code Amendment Relative to "Mass Grading" in the *Upper Swift Creek* Watershed.
- VII. Proposed Code Amendment Relative to "Open Space" in the *Upper Swift Creek* Watershed.
- VIII. Recess.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

## II. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of November, December 2008 and January 2009.

#### III. REVIEW DAY'S AGENDA. (ANY ITEMS LISTED FOR THE 3:00 P.M. AND 6:30 P.M. SESSIONS.)

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p.m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 6:30 p.m. Public Meeting and Hearing.

### IV. WORK PROGRAM.

**<u>BWORK PROGRAM</u>** 

The Commission accepted the updates to the work program.

# V. PLANNING TOPICS-CHESTERFIELD COUNTY COMMUNITY INDICATORS REPORT. BCOMMUNITY INDICATORS REPORT

Mr. Zachary Mayo presented statistics on the projected population growth; owner occupancy decline; age of housing in various sections of the county; crime rate; housing sales; housing growth; and highest and lowest

values in population, age of homes, owner occupancy, occupancy turnover rates, new homes built, voter registration, Fire and EMS and Police calls throughout the County.

The Commission commented on the presentation and advised staff to revise the Community Indicator's Report to include the impact on the Police, Fire and EMS and schools; road improvements; and commercial growth as it relates to the increase in population over the next six (6) years.

## VI. PROPOSED AMENDMENT TO THE ORDINANCE RELATING TO WATER QUALITY IN THE *UPPER SWIFT CREEK* WATERSHED – "MASS GRADING"

■ PROPOSED AMENDMENT - MASS GRADING

Mr. Dick McElfish presented information on mass grading and how it affects the Water Quality in the *Upper Swift Creek* Watershed. He added the amendments to the Ordinance would delete the exceptions for lots shown on construction plans for townhouses, condominiums and cluster developments as the Planning Department agrees that these development concepts would be less than 10,000 square feet. The amendments to the Ordinance also prohibit mass grading on lots over 10,000 square feet and includes an exception for lots over 10,000 square feet when a full Certificate of Occupancy for the primary residence has been issued.

The Commission voiced concern relative to Ordinance requirements for commercial properties; and the practicality of enforcing the Ordinance during mutli-phase projects.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission set a public hearing on the Proposed Amendment to the Ordinance Relating to Water Quality in the *Upper Swift Creek* Watershed – "Mass Grading" for December 16, 2008.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

# VII. PROPOSED AMENDMENTS TO ORDINANCE RELATING TO WATER QUALITY IN THE UPPER SWIFT CREEK WATERSHED – "ENVIRONMENTAL FEATURES/LOTS".

■ PROPOSED AMENDMENT - OPEN SPACE

Mr. Dick McElfish presented information on the proposed amendment relative to the location of environmental features located in a single family residential development. He added the proposed amendment promotes development standards that are consistent with the protection and facilitate the county's water quality goals for area streams and the Swift Creek Reservoir.

The Commission directed Mr. McElfish and Mr. Robinson to present additional information relative to the proposed amendment at the November 18, 2008, work session.

### IX. <u>RECESS.</u>

There being no further business, the Commission recessed at 1:44 p.m., agreeing to reconvene in the Public Meeting Room (Executive Session Room) at the Administration Building Complex for the 3:00 p.m., for the public meeting.

### 3:00 P. M. PUBLIC MEETING

Mr. Bass, Vice-Chairman, called the meeting to order at 3:00 p.m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

# I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no changes to the agenda.

## II. REVIEW MEETING PROCEDURES.

Ms. Beverly Rogers reviewed the meeting procedures.

#### III. CONSIDERATION OF THE FOLLOWING REQUEST

## REQUESTS FOR DEFERRAL BY APPLICANTS

A. <u>09PR0104</u>: In Bermuda Magisterial District, THE EMERSON CONSTRUCTION GROUP requested deferral of consideration for approval to reduce a 50 foot wide buffer to 30 feet in conjunction with site plan approval. This project is known as HANLEY OFFICE BUILDING. This request lies in a Neighborhood Business (C-2) District on 2.55 acres fronting approximately 360 feet along the north line of Meadowville Road and located at the intersection of Meadowville Road and Rivers Bend Boulevard. Tax ID 815-653-0571.

©9PR0104 - STAFF ANALYSIS

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 09PR0104 to the November 18, 2008, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission resolved to defer Case 09PR0104 to the November 18, 2008, Planning Commission meeting.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

B. <u>08PR0386</u>: In Bermuda Magisterial District, RIVERS BEND SELF STORAGE, LLC requested deferral of consideration for approval to waive the requirement for a 100 foot wide buffer in conjunction with site plan approval for an approximately 145,000 square feet mini-storage facility and related office. This project is known as RIVERS BEND SELF STORAGE. This request lies in a General Industrial (I-2) and Agricultural (A) Districts on 22.15 acres fronting approximately 284 feet on the north line of West Hundred Road. Tax IDs 807-653-0838, 2033, 4542, 6964, and Part of 2676; 807-654-Part of 0860 and 0432; and 807-655-Part of 0904.

Mr. Mike Hannon, the applicant's representative, requested deferral of Case 08PR0386 to the December 16, 2008, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to defer Case 08PR0386 to the December 16, 2008, Planning Commission meeting.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

C. <u>08PR0410</u>: In Midlothian Magisterial District, **TRAFCO**, **LLC**. Requested deferral of consideration for approval to reduce a 75 foot wide buffer to 30 feet in conjunction with site plan approval. This project is known as **TRAFCO CARWASH AND OFFICE**. This request lies in a General Business (C-5) District on 1.91 acres fronting approximately 160 feet along the north side of Midlothian Turnpike, and located approximately 80 feet east of Salisbury Drive. Tax ID 730-708-0707. <u>B08PR0410 - STAFF ANALYSIS</u>

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 08PR0410 to the December 16, 2008, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to defer Case 08PR0410 to the December 16, 2008, Planning Commission meeting.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

E. <u>09PR0120</u>: In Midlothian Magisterial District, **AMERICAN FAMILY FITNESS** requested deferral of consideration for approval to reduce a 50 foot wide buffer to 10 feet in conjunction with site plan approval. This project is known as **AMERICAN FAMILY - MIDLOTHIAN**. This request lies in Neighborhood Business (C-2) and Corporate Office (O-2) Districts on 51.55 acres fronting approximately 175 feet on the south line of Midlothian Turnpike, and approximately 490 feet on the west line of North Woolridge Road. Tax IDs 731-707-6510; 731-706-9398; and 732-706-0494. <u>09PR0120 - STAFF ANALYSIS</u>

Mr. Waller declared a conflict of interest due to a business arrangement with an adjacent property owner who has a contractual arrangement with the applicant.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 09PR0120 to the November 18, 2008, Planning Commission meeting.

Mr. Bass opened the floor for public comments.

Ms. Amy Satterfield, Executive Director of Village of Midlothian Volunteer Coalition, spoke in favor of the deferral.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to defer Case 09PR0120 to the November 18, 2008, Planning Commission meeting.

AYES: Messrs. Bass, Brown and Hassen.

ABSENT: Messrs. Gulley and Waller.

### REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.

D. <u>08PR0423</u>: In Midlothian Magisterial District, JAMES DORAN COMPANY is requesting approval of a site plan for a 246-unit apartment complex and approximately 10,800 square feet of commercial space. This development is known as MIDLOTHIAN TOWNE CENTER APARTMENTS. This request lies in Community Business (C-3) District on 8.1 acres fronting approximately 770 feet on the west line of Winterfield Road approximately 550 feet north of Midlothian Turnpike. Tax ID 725-709-5083. <u>▶08PR0423 - STAFF ANALYSIS</u>

Mr. John Easter, the applicant's representative, expressed his preference to proceed with the request; however, he accepted Mr. Waller's deferral request for sixty (60) days and requested an additional thirty (30) days in order to allow time to meet with Ms. Amy Satterfield, Executive Director of Village Midlothian Volunteer Coalition.

Mr. Easter presented conditions in the acceptance of the deferral request. Mr. Robinson advised the Commission that Mr. Easter's could not accept the deferral based on conditions.

Ms. Rogers stated that staff had noted concerns relative to the request and suggested that the applicant could also address staff's issues before the January 2009 meeting.

Mr. Bass opened the floor for public comments.

Messrs. Patrick Morris, Harley Joseph, Robert Cacciotti, Don Adkins, William Nelson and Ms. Amy Satterfield spoke in favor of the deferral.

There being no one else to speak, Mr. Bass closed the public comments.

Mr. Waller thanked the residents for submitting their concerns relative to the request and recommended deferral of Case 08PR0423 for sixty (60) days and accepted the applicant's request for an additional thirty (30) days to the January 2009 meeting.

The following motions were made at Mr. Waller's and the applicant's requests.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission, on their own motion and the request of the applicant, resolved to defer Case 08PR0423 to the January, 2009, Planning Commission meeting.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

# • CASES WHERE THE APPLICANTS ACCEPT STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.

F. <u>09PS0131</u>: In Midlothian Magisterial District, VILLAGE ASSOCIATES AND MCVILLAGE LLC are requesting amendment to schematic plan cases 86PS1030, 88PS1036, and 89PS0009 to allow asphalt shingles. This development is known as VILLAGE MARKETPLACE SHOPPING CENTER. This request lies in a Community Business (C-3) District on 16.5 acres fronting approximately 310 feet along the north line of Midlothian Turnpike and fronting approximately 450 feet along the north line of Old Buckingham Road. Tax IDs 731-708-9425 and 4522; 732-707-0188 and 1993; and 732-708-3011. 

■09PS0131 - STAFF ANALYSIS

Ms. Rogers advised the Commission that Village Associates requested withdrawal from schematic plan Case 09PS0131 to include the withdrawal of Tax IDs 731-708-9425 and 4522; 732-708-1993; and 732-708-3011.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission accepted the withdrawal of Tax IDs 731-708-9425 and 4522; 732-708-1993; and 732-708-3011 from the request.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

Mr. Jeff Dopp presented an overview of the request and staff's recommendation for approval noting the proposed slate-appearing asphalt shingles met the architectural requirements of the Zoning Ordinance and provided longer durability; and provided a quality appearance similar to that of Central Virginia Bank while maintaining a "Village" characteristic.

Mr. Randall Swain, the applicant's representative, accepted staff's recommendation.

Mr. Bass opened the floor for public comments.

Ms. Amy Satterfield, Executive Director of Village of Midlothian Volunteer Coalition, spoke in favor of the request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 09PS0131subject to the following condition:

#### **CONDITION:**

1. The roof material used shall be Certainteed Grand Manor Colonial Slate asphalt shingle. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

G. <u>09PW0151</u>: In Bermuda Magisterial District, COLONIAL HEIGHTS BAPTIST CHURCH is requesting a modification to the development standards for paved parking with curb and gutter to allow additional overflow gravel parking. This development is known as COLONIAL HEIGHTS BAPTIST CHURCH PHASE 2 OVERFLOW PARKING. This request lies in a Regional Business (C-4) District on 14 acres at 2500 Arrowfield Road. Tax ID 800-628-Part of 7899. 

<u>●09PW0151</u> - STAFF ANALYSIS

Mr. Roger Hamrick, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 09PW0151 subject to the following conditions:

#### **CONDITIONS:**

1. The gravel parking area shall be removed prior to issuance of the certificates of occupancy for the full expansion (both wings) of the existing building and construction of the building to the north. (P)

2. Site plans shall be submitted for administrative review and approval which accomplish the following staff review comments. (P)

## **STAFF REVIEW COMMENTS**:

- 1. Run-off from the gravel lot shall be collected and conveyed in a non-erodible manner to an adequate outfall. (EE)
- 2. Provide revised drainage area calculations and make any required revisions to the stormwater drainage system. (EE)
- 3. Provide any drainage culverts with installation methods approved by Environmental Engineering Department and Fire and EMS. (EE & F)
- 4. Provide a detail of the gravel installation providing for a minimum of six (6) inches of stone for the gravel parking area. (P)
- 5. Provide parking spaces that are at least 200 square feet and at least ten (10) feet wide in the gravel parking area. (P)
- 6. Provide a method of delineating the parking bays and angle of parking in the gravel parking area. (P)
- 7. Provide a method of delineating the perimeter of the parking and the entrance drives. (P)
- 8. Vehicle access shall meet zoning ordinance and Fire Department standards. (P & F)
- 9. Provide revised handicap parking calculations and additional paved accessible parking spaces per ANSI standards for overall total parking count. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

I. <u>08TS0146</u>: In Bermuda Magisterial District, **BENJAMIN BENTON** is requesting tentative subdivision approval of 21 single-family residential lots. This development is commonly known as **TIMBERCREEK**. This request lies in a Residential (R-12) District on a 20.77 acre parcel fronting approximately 47 feet on the west line of Hill Street, approximately 87 feet on the north line of Milhorn Street, approximately 42 feet on the west line of South Street, and approximately 49 feet on the north line of Tipton Street. Tax ID 798-635-4396.

B08TS0146 - STAFF ANALYSIS

Ms. Janet Bowers, the applicant's representative, accepted staff's recommendation.

There was opposition present; therefore, it was the consensus of the Commission to place Case 08TS0146 with those cases requiring discussion.

# • CASES WHERE THE APPLIANTS ACCEPT THE RECOMMENDATION AND THERE IS PUBLIC OPPOSITION.

H. <u>09TS0135</u>: In Midlothian Magisterial District, **2421 W.D.**, **LLC** is requesting tentative subdivision approval of 6 single-family residential lots and an exception to Section 17-70 to reduce the required 35 foot buffer to 25 feet. This development is commonly known as **BON AIR WALK**. This request lies in a Residential (R-15) District on a 5.14 acre parcel fronting approximately 450 feet on the west line of Buford Road and approximately 280 feet north of Sunview Lane. Tax IDs 756-712-8658 and 757-712-0544.

Ms. Amy Somervell presented an overview of the request and staff's recommendation of approval noting the tentative subdivision conformed to the Subdivision Ordinance; and the buffer reduction would not have an adverse impact on the adjacent property. She added that on June 30, 2008, State representatives confirmed that the stream downstream of the proposed development was intermittent in nature (non-perennial) and that there were no connected or contiguous wetlands that required a Resource Protection Area (RPA) designation.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation and stated that the Commission had previously reviewed a request that was similar to the current request. She added that the BMP was a dry basin and was environmentally friendly; reduced runoff; and reduced flow of water to neighbors.

Mr. Bass opened the floor for public comments.

Messrs. Bill Queen, Tony Gentry, Todd Larson, Matt Overton and Gordon Ailing spoke in opposition noting concerns relative to traffic; increased drainage, flooding and runoff; heavy ground coverage removal; stream determination; destruction of Powhite Creek; child safety relative to the proposed pond; density; RPA setback requirements; water quality; location of the pond; and decreased property values.

There being no one else to speak, Mr. Bass closed the public comments.

In rebuttal, Ms. Coyner presented information relative to the level of safety of the proposed BMP. She added that the authority for RPA would fall with the environmental engineers; and that State and County Representatives had determined the stream was non-perennial.

In response to a question from the Commission, Mr. Pritchard stated that county staff declared the stream was non perennial.

The Commission felt that additional information was needed before rendering a decision; and therefore agreed to open the public hearing and to defer a recommendation on Case 08TS0135 to the November 18, 2008, Planning Commission public meeting.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to open the public hearing and to defer Case 09TS0135 to the November 18, 2008 Planning Commission meeting.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

Dr. Brown and Mr. Hassen noted his preference to continue with Case 09TS0135; however, he agreed with the recommendation to defer the Case.

I. <u>08TS0146</u>: In Bermuda Magisterial District, **BENJAMIN BENTON** is requesting tentative subdivision approval of 21 single-family residential lots. This development is commonly known as **TIMBERCREEK**. This request lies in a Residential (R-12) District on a 20.77 acre parcel fronting approximately 47 feet on the west line of Hill Street, approximately 87 feet on the north line of Milhorn Street, approximately 42 feet on the west line of South Street, and approximately 49 feet on the north line of Tipton Street. Tax ID 798-635-4396.

©08TS0146 - STAFF ANALYSIS

Mr. Ryan Ramsey presented an overview of the request and staff's recommendation of approval noting the impacts from this development would not negatively impact the health, safety and welfare of existing and future residents.

Ms. Janet Bowers, the applicant's representative, stated that the development would not increase the flood plain area; and the estimated traffic impact was less than anticipated in the county's traffic study.

Mr. Bass opened the floor for public comments.

Messrs. Lonnie Gideon, Gerald Martin and Jamie Nickels spoke in opposition noting concerns relative to traffic; increased traffic, safety, trash; runoff; and flooding.

There being no one else to speak, Mr. Bass closed public comments.

In rebuttal, Ms. Bowers commented on the citizen's meeting that was conducted to address the neighborhood concerns; and on the applicant's agreement to construct a larger cul-de-sac for appropriate bus turn around.

In response to a question from the Commission, Messrs. Pritchard and. Newcomb stated that the proposed subdivision met all conditions of the zoning case and requirements of the Subdivision Ordinance; and the potential for negative traffic impacts raised by the adjacent property owners would be reviewed at the time of the construction plan submittal.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08TS0146 subject to the conditions and review comments:

#### **CONDITIONS:**

- 1. All conditions and proffered conditions of zoning Case 07SN0188 shall apply to the land shown within this approved tentative. All construction proffers shall be placed on the final check and record plat. (P)
- 2. Per section 8-4 of the Erosion Control Ordinance, prior to the issuance of a land disturbance permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetlands permits have been received. (EE)
- 3. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
- 4. USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)

- 5. Prior to construction plan approval, the Environmental Engineering Department must have received documentation that the sub-divider or his representative has notified certain property owners determined by the department of the proposed adjacent construction. (EE)
- 6. The sub-divider shall post signs demarking the limits of the RPA area so builders and homeowners may be informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Environmental Engineering Department. (EE)
- 7. The erosion and sediment control plan for the project shall call for the placement of polyethylene fence or its equivalent in accordance with Std & Spec 3.01 of the Virginia erosion and sediment control handbook along the RPA limits prior to the issuance of a land disturbance permit. (EE)
- 8. Building envelopes as shown on the tentative plan along with any other directed by the Environmental Engineering Department shall be placed on the construction plans and subdivision plat. (EE)
- 9. The floodplain as shown on the approved construction plans and the recorded subdivision plat shall be the result of hydrologic and hydraulic engineering methods and assumptions, which are approved by the Environmental Engineering Department. (EE)
- 10. The Environmental Engineering Department may impose a more rigorous erosion and sediment control program than that which is provided by minimum standards found in the Virginia erosion and sediment control handbook. (EE)
- 11. Prior to recordation, the Environmental Engineering Department must have received notification from VDOT that improvements to the state road(s) into which this project intersects and which, have been authorized by an issued land use permit, have been satisfactorily completed. (EE)
- The areas of storm-water runoff concentration as discussed in the Environmental Engineering Department tentative report dated July 22, 2008 will be field located and shown on the plans. The construction plans shall designate the affected lots with an NBP, and an engineered storm sewer, filling, grading, and drainage plan shall be included in the construction plans. (EE)

#### **REVIEW NOTES:**

- A. Show building envelopes on all lots that are impacted by wetlands, Resource Protection Areas (RPA) and floodplains or do not achieve the required lot width at the minimum setback distance on all final check and record plats. (P)
- B. On the construction plans, in the erosion control narrative, insert provisions for the installation of tree protection fencing or tape prior to land disturbance to protect the required buffers. (P)
- C. Per Condition 6 of zoning Case 07SN0188, restrictive covenants shall be recorded with the record plat stating, "Enclosed risers are required on steps to all entryways except at the rear

of the house". The subdivider shall submit draft covenants for approval. The approved covenants shall be recorded prior to, or in conjunction with, the record plat. The recordation information shall be shown on the record plat and each subsequent final check and record plat. (P)

- D. Lots fronting on the bulbs of cul-de-sacs shall be designed such that building lines are uniform around the bulb. (P)
- E. In conjunction with all applicable road construction, the subdivider shall install a standard barricade and place M 4-6 and M 4-7 (manual uniform: traffic devices reference manual) signs on said barricade at the end of all stub locations. Provide a detail of the signs on the barricade detail in the construction plans. (P)
- F. In conjunction with the submittal of the final check plats, the subdivider shall flag all buffers for inspection by the Planning Department. If insufficient vegetation remains, the subdivider shall submit a landscape plan to the Director of Planning to ensure compliance with this condition. If conditions on site are not conducive to plant survival, the subdivider shall provide surety to the county in the amount required to implement the plan. An estimate from a landscape contractor shall serve as the basis for the surety amount. (P)
- G. A note shall be placed on the final check and record plat that indicates the buffers are subject to 17-70 of the county Subdivision Ordinance. The buffers are to remain undisturbed and no access is permitted through them to any adjacent roads. (P)
- H. Insert the tentative case number under the site statistics section on the construction plans. (P)
- I. Compliance with 17-76 of the Subdivision Ordinance in the Chesterfield County Code shall be maintained at all times. (F)
- J. Hydrant requirements and locations shown on the tentative plan may not be acceptable. Hydrant(s) required and their location will be evaluated at the time of construction plan review. (F)
- K. When submitting the construction plans, provide an additional copy to go to the Fire Department for review. (F)
- L. It will be the responsibility of the sub divider to make certain, by whatever means necessary, (i.e., on-site water line looping or off-site water line extensions, etc.) that the proposed project, as well as the pressure zone the project is located within, complies with the Chesterfield County Fire Department's required fire flow of 1000 GPM at 20 PSI residual. (U)
- M. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
- N. An assessment of the topography in relation to the lot layout has revealed several areas of storm-water concentration, which are in potential conflict with the desire not to have storm drainage problems related to the development of the house and lot. These are engineering

issues, which should be addressed by the construction plans and not left to the individual builders to deal with. The physical "low" of these drainage corridors should be field located and appropriate engineering proposals with respect to filling, grading, drainage storm sewering and building envelope locations should be made a part of the construction plans. These areas are as follows: The drainage corridor starting off-site and passing through the center of lots 11, 10 and 9 before reaching the wetlands. (EE)

- O. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights-of-way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- P. Any requirements of the Subdivision Ordinance adopted by Chesterfield County that are equal to or greater than 2005 SSR provisions including listing of documents incorporated in 24 VAC 30-91-160 are VDOT requirements in Chesterfield County and govern unless Chesterfield County concurs with an exception to their higher standards. (VDOT)
- Q. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- R. The design of any/all proposed landscape embellishments (i.e. landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) to be installed within state maintained rights-of-way must be submitted to VDOT for review as separate submittal under Permit Process. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- S. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- T. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- U. VDOT standard (based on current roadway functional classification) roadway and pavement widening with shoulders and ditch lines and pavement design improvement should be provided along the limits of development on Milhorn Street, to which connection is to be made to accommodate safe and efficient vehicular movements on Milhorn Street. (VDOT)
- V. The design and construction of any pedestrian facilities for the proposed VDOT maintenance shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- W. Only one curb and gutter design may be used along the length of a street, as per 24 VAC 30-91-110. (VDOT)
- X. Adequacy of the ultimate outfall from proposed development shall be successfully demonstrated in the construction plans for the proposed subdivision, and all associated work shall be developer's responsibility. (VDOT)

- Y. Sanitary sewer manholes as shown are preliminary and should be so noted. Actual locations of utility manholes shall be shown on construction plans and in accordance with Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- Z. The construction of transportation improvements on roadways which are defined as arterials or collectors in Chesterfield County's "Thoroughfare Plan", and all internal roads require the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one of the following options:
  - 1. The applicant shall retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
  - 2. The applicant shall request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing.

Either option 1 or 2 may be used for each category of road at the preference of the developer. (VDOT)

AA. Off-street parking spaces shall be provided as required by 24 VAC 30-91-110. E.2.A. In the absence of local regulations that are deemed acceptable by the Department, the following criteria shall apply for the design of subdivision streets:

A minimum of two (2) off-street parking spaces per dwelling unit, exclusive of garage facilities associated with the unit, shall be provided in the proximity of the unit they are intended to serve. (VDOT)

BB. Standard conditions. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

### IV. RECESS.

There being no further business to discuss; the Commission recessed the Afternoon Session at approximately 5:33 p.m., agreeing to meet in the Executive Meeting Room for dinner and to reconvene in the Public Meeting Room at 6:30 p.m. for the public meeting.

During dinner, there was general discussion regarding pending cases.

#### 6:30 P.M. PUBLIC MEETING AND HEARING.

## I. INVOCATION.

Mr. Bass presented the invocation.

### II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. Waller led the Pledge of Allegiance to the Flag.

### III. REVIEW UPCOMING AGENDAS.

Ms. Beverly Rogers apprised the Commission of the caseload agenda for the upcoming months.

# IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Ms. Rogers advised the Commission of the amendment to the agenda to include a Request for Withdrawal by Applicant for Case 08SN0249, Heritage Signs, and placing Case 09SN0114, 2 Enon LLC, with those cases requiring discussion.

## V. REVIEW MEETING PROCEDURES.

Ms. Rogers reviewed the meeting procedures.

### VI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

Ms. Carrie Coyner, resident, voiced concern about the policy and procedures as the county work through development. She asked the Commission to examine the current zoning approval process and to consider amending the process in order to allow developers the opportunity to develop during the economic hardships.

#### VII. PUBLIC HEARING.

### REQUEST FOR WITHDRAWAL BY APPLICANT.

J. <u>08SN0249</u>: In Clover Hill Magisterial District, **HERITAGE SIGNS** withdrew a request for amendment to Conditional Use Planned Development (Case 03SN0132) and amendment of zoning district map relative to freestanding signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies in a Light Industrial (I-1) District on 10.8 acres and is known as 10531 and 10601 Midlothian Turnpike. Tax IDs 746-708-1182 and 746-709-2712. <u>B08SN0249-STAFF ANALYSIS</u>

Ms. Darla Orr acknowledged receipt of the applicant's written withdrawal request.

There was no opposition to the withdrawal.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission acknowledged the withdrawal of Case 08SN0249.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

B. <u>09SN0103:</u> In Dale Magisterial District, **POTTS**, **MINTER & ASSOC.**, **P.C.** requests rezoning and amendment of zoning district map from Residential (R-7) and Agricultural (A) to General Business (C-5) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 2.1 acres fronting approximately 170

feet on the east line of Iron Bridge Road approximately 130 feet south of Country Manor Lane. Tax IDs 776-684-4525 and 4613. 

■09SN0103-STAFF ANALYSIS

Mr. Lee Smith, the applicant's representative, requested deferral of Case 09SN0103 to the November 18, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to defer Case 09SN0103 to November 18, 2008, Planning Commission public hearing.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

## • REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.

E. <u>09SN0116</u>: In Clover Hill Magisterial District, **BAXTER HARRINGTON** requests amendment to Conditional Use Planned Development (Case 87S045) and amendment of zoning district map relative to buffer requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office and medium residential use of 1.51 to 4.0 units per acre. This request lies in a Corporate Office (O-2) District on 7.1 acres lying approximately 920 feet off the north line of Hull Street Road approximately 180 feet west of Woodsong Drive. Tax ID 744-685-Part of 2207. 

© 09SN0116-STAFF ANALYSIS

Ms. Genesia Graham, the applicant's representative, accepted deferral of Case 09SN0116 by Mr. Bass to the December 16, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Bass's request.

On motion of Mr. Bass, seconded by Mr. Waller, the Commission resolved to defer Case 09SN0116 to the December 16, 2008, Planning Commission public hearing.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

# • CASES WHERE THE APPLICANTS ACCEPT THE RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.

A. <u>08SN0283</u>: In Dale Magisterial District, **PEGASUS TOWER CO.**, **LTD.** requests Conditional Use Planned Development and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots; suited to R-88 zoning. This request lies on 2.4 acres fronting approximately 20 feet on the south line of Beach Road approximately 1000 feet west of Nestor Road. Tax ID 761-659-Part of 3685.

B08SN0283-STAFF ANALYSIS

Mr. Brennan Keene, the applicant, accepted staff's recommendation.

Mr. Bass opened the floor for public comments.

Mr. David Pearson spoke in opposition to the request noting concerns with a decrease in area property values resulting from the tower and the installation of the tower in a wetland area.

There being no one else to speak, Mr. Bass closed the public comments.

In rebuttal, Mr. Keene stated that the proposed site in critical to wireless service in the area; and the location of the tower is not in a wetland.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 08SN0283 subject to the following conditions:

#### **CONDITIONS**

- 1. There shall be no signs permitted to identify this use. (P)
- 2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. A minimum 100-foot buffer of mature trees shall be preserved outside of, and adjacent to, the compound. A detailed plan depicting these requirements shall be submitted to the Planning Department for approval in conjunction with final site plan review. Except as otherwise provided herein, no trees within the buffer may be removed unless such trees are dead, diseased or dying. (P)
- 3. The color and lighting system for the tower shall be as follows:
  - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
  - b. The tower shall not be lighted.
  - c. The tower shall be a monopole structure. (P)
- 4. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P) equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

5. The tower shall not exceed a height of 199 feet. (P)

6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

C. <u>09SN0111</u>: In Dale Magisterial District, **BRANCH'S BLUFF DEVELOPMENT COMPANY**, **LLC** requests rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 12.1 acres lying approximately 950 feet off the south line of Evelake Road measured from a point approximately 1760 feet east of Hopkins Road. Tax IDs 785-671-Part of 7222; 786-669-Part of 0085; and 786-670-4173 and 4249. <u>809SN0111-STAFF ANALYSIS</u> <u>809SN0111-ADDENDUM</u>

Mr. Jeff Collins, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 09SN0111 and acceptance of the following proffered conditions:

### PROFFERED CONDITIONS

The owner and developer in this rezoning request, Branch's Bluff Development Company, LLC (the "Developer") pursuant to § 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, Virginia (the "County") for itself and its successors and assigns, hereby proffers that the development of the unimproved real property (the "Property") under consideration in this rezoning request shall be developed in accordance with the following conditions if, and only if, the request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

- 1. The public water and wastewater systems shall be used. (U)
- 2. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
  - a. \$18,080 per dwelling unit, if paid prior to July 1, 2009; or
  - b. If paid after June 30, 2009, \$18,080 adjusted annually in accordance with the cash proffer policy.
- 3. <u>Timbering</u> Except for timbering approved by the Virginia Department of Forestry for removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

4. Stormwater runoff from any impervious area that drains to Thurston Road shall be conveyed with a system that shall be: 1) designed and constructed to convey the ten (10) year storm event to the south side of Thurston Road; or 2) designed and constructed with on-site detention to retain the discharges for a two (2) and ten (10) year post developed storm event to a two (2) and ten (10) year pre-developed storm event condition, respectively, and which discharges runoff into wetlands that are located on the eastern side of Tax ID 786-669-0085. (EE)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

F. <u>09SN0118:</u> In Bermuda Magisterial District, BROAD STREET PARTNERS COMMERCIAL LLP requests rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and residential use of 7.01 to 10 units per acre. This request lies on 4.1 acres fronting approximately 30 feet on the east line of Jefferson Davis Highway approximately 650 feet south of Perdue Springs Drive. Tax IDs 798-657-3352 and 9266. 

©09SN0118-STAFF ANALYSIS

Ms. Ashley Harwell, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 09SN0118 and acceptance of the following proffered conditions:

## PROFFERED CONDITIONS

The Owners and the Developers for themselves and their successors or assigns (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, proffer that the development of the property known as Chesterfield County Tax Identification Numbers 798-657-3352 and 798-657-9266 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-3 with a conditional use planned development (CUPD) is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect.

- 1. <u>Master Plan</u>. The Textual Statement dated August 11, 2008, shall be considered the Master Plan for the development. (P)
- 2. <u>Timbering</u>. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
- 3. <u>Utilities</u>. The public water and wastewater systems shall be used, except for sales facilities and/or construction offices. (U)
- 4. <u>Access.</u> There shall be no direct vehicular access from the Property to Jefferson Davis Highway (Route 1), unless otherwise approved by the Transportation Department. (T)
- 5. <u>Dedication</u>. Prior to any site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, sixty (60) feet of right-of-way

on the east side of Jefferson Davis Highway (Route 1) measured from the centerline of that part of Jefferson Davis Highway (Route 1) immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

**G.** <u>09SN0119:</u> In Dale Magisterial District, **IRONBRIDGE LLC** requests amendment to rezoning (Case 89SN0104) and amendment of zoning district map relative to outdoor dining. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies in a General Business (C-5) District on 0.9 acres and is known as 10300 Iron Bridge Road. Tax ID 772-660-7588.

**■**09SN0119-STAFF ANALYSIS

Ms. Kristen Keatley, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 09SN0119 subject to the following condition:

## **CONDITION**

With the approval of this request Proffered Condition 3.h. of case 89SN0104 shall be deleted. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

K. <u>08SN0276</u>: In Bermuda Magisterial District, INVISIBLE TOWERS, LLC requests Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.5 dwellings per acre or less. This request lies on 8.2 acres and is known as 13028 Harrowgate Road. Tax ID 788-647-9084. <u>▶08SN0276-STAFF ANALYSIS</u>

Mr. Mark Farris, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0276 and acceptance of the following proffered conditions:

#### **CONDITIONS**

1. The tower shall be located as depicted on a survey and site plan submitted with the application entitled Happy Hill Rawland Monopine, prepared by Clark Nexsen Architecture & Engineering, last revised September 18, 2008. (P)

- 2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. All mature trees within the tree save area and outside of the compound, as depicted on the plan referenced in Condition 1 shall be preserved. This condition does not preclude the removal of any vegetation that is dead, diseased or dying. A detailed plan depicting these requirements shall be submitted to the Planning Department for approval. (P)
- 3. The color, design and lighting system for the tower shall be as follows:
  - a. The tower color shall blend with surrounding vegetation, as acceptable to the Planning Department.
  - b. The tower shall not be lighted.
  - c. The tower shall be a monopine/treepole structure. (P)
- 4. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

- 5. The tower shall not exceed a height of 128 feet. (P)
- 6. There shall be no signs permitted to identify this use. (P)
- 7. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

#### REZONINGS AND CONDITIONAL USES – OTHER.

D. <u>09SN0114</u>: In Bermuda Magisterial District, **2 ENON LLC** requests rezoning and amendment of zoning district map from Agricultural (A) to Light Industrial (I-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 20.7 acres located in the southwest quadrant of the intersection of Bermuda Hundred and North Enon Church Roads. Tax IDs 823-650-7830 and 824-650-3034.

B09SN0114-STAFF ANALYSIS

Ms. Darla Orr presented an overview of the request and staff's recommendation for denial noting the proposal failed to preclude access to North Enon Church Road and failed to provide customary road improvements as previously discussed.

Ms. Carrie Coyner, the applicant's representative, stated the request complied with the <u>Consolidated Eastern</u> <u>Area Plan</u>; and specific use for the property was not yet determined.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from the Commission, Mr. McCracken stated that the Transportation Department did not support the request because the applicant had not committed to preclude access to North Enon Church Road nor to construct turn lanes along North Enon Church Road to mitigate the traffic impact of the proposed development.

Mr. Hassen stated he was not supportive of the rezoning to Light Industrial especially given the concerns expressed by the Transportation Department.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to recommend denial of Case 09SN0114.

AYES: Messrs. Bass, Brown, Hassen and Waller.

ABSENT: Mr. Gulley.

H. <u>08SN0105</u>: In Clover Hill Magisterial District, **STYLECRAFT HOMES DEVELOPMENT CORP**. requests rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Community Business (C-3) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses on 15.5 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 20.6 acres. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and light industrial uses. This request fronts approximately 740 feet on the south line of Midlothian Turnpike approximately 150 feet west of Tuxford Road. Tax ID 751-706-3789. <u>808SN0105-STAFF ANALYSIS</u> <u>808SN0105-ADDENDUM</u>

Mr. Bass declared a conflict of interest due a business sponsorship with the landowner.

Dr. Brown served a Chair for this case.

Ms. Peterson presented an overview of the request and staff's recommendation for approval for the rezoning subject to the applicant addressing both security and focal point. She added the proposed commercial land uses conformed to the Northern Area Plan and the proposed residential uses promoted appropriate land use transitions from the existing single family residential uses to the south and west to the established and proposed commercial development to the north and east. Ms. Peterson also noted that in response to concerns expressed by the Shenandoah Board of Directors, the applicant had submitted amended proffered conditions and Textual Statement. Staff recommended denial of the relief to the street access requirements because the proffered emergency access road to serve more than fifty (50) residential units was not an acceptable substitute for a second public road access.

Mr. Larry Horton, the applicant's representative, stated the request would improve the traffic flow on Midlothian Turnpike by closing and existing entrance; the density was consistent with the <u>Northern Area Plan</u>; and the proposed request was the best use for the property.

Mr. David Robinson, President of the Shenandoah Association, expressed his approval with the density, but voiced concerns relative and the proposed recreational provisions and limited tree retention in buffers.

Mr. Cliff Hardy voiced concern relative to potential impacts on the crossover and turn lane located at the entrance of the Church.

There being no one else to speak, Dr. Brown closed the public comments.

In rebuttal Mr. Horton stated that the installation of a stop light would be beneficial to the surrounding businesses.

The Commission had questions of staff relative to access; emergency services and drainage.

Mr. McCracken stated staff with the proposed signalized access to the development, the Virginia Department of Transportation (VDOT) would determine whether the crossover on Midlothian Turnpike that serves the neighboring church should be closed.

Lt. Nause noted that a second public access to the proposed development was preferable to an emergency access but the sprinkling system in residential units would lessen the impact of not having a full second access.

Mr. McElfish stated that the applicant had proffered to perform an overall drainage study for the subject property and all off-site drainage traversing the property.

On motion of Mr. Waller, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 08SN0105 and acceptance of the following proffered conditions:

### **PROFFERED CONDITIONS**

The property owner and applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

The following shall apply to the entire property:

- 1. <u>Master Plan</u>. The Textual Statement, dated September 24, 2008 and amended October 8, 2008, and the Concept Plan titled "The Villages of Shenandoah", prepared by AES Consulting Engineers and dated August 20, 2007, with a revision date of April 18, 2008, shall be considered the Master Plan. (P)
- 2. <u>Parcel Adjustments</u>. Parcel boundaries as depicted on the Master Plan may be adjusted provided their relationship with each other and adjacent properties is maintained, and that the cumulative acreages of Parcels C and D do not exceed 15.5 acres. A plan for parcel modification shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals. (P)
- 3. Utilities. Public water and wastewater systems shall be used. (U)
- 4. <u>Timbering.</u> Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

- 5. <u>Cash Proffer</u>. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the Property:
  - a. \$18,080.00 per dwelling unit, if paid prior to July 1, 2009, or
  - b. If paid after June 30, 2009, then \$18,080.00 adjusted annually in accordance with the cash proffer policy. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
  - c. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)
- 6. The developer shall perform an overall drainage study for the subject property plus all off-site drainage traversing the site. Development shall be designed to release no more than two (2) year pre-development rate for the subject property and a two (2) year existing rate for the off-site drainage area and store the post 100 year rate for all drainage from the subject site, as well as all off-site drainage traversing the site. However, the release rate may be modified by Environmental Engineering if downstream conditions are adequate to handle a higher frequency storm. Adequate shall be defined as:
  - a. The existing pipes under Tuxford Road, which would carry the runoff, meets VDOT criteria:
  - a. The watercourse upstream of Tuxford Road through Shenandoah Subdivision and located in any existing easement, shall be made capable of containing a 10-year storm; and
  - c. The 100-year floodplain shall be no closer than twenty-five (25) feet to the nearest house. (EE)
- 7. All runoff from impervious areas shall be directed to one or more retention/detention basin(s) which shall discharge into existing watercourses with recorded drainage easements. The basin(s) shall be designed and approved in conjunction with the design of the first site. Environmental Engineering may approve phasing of the installation of the basin upon submission of an overall phasing plan. Drainage will be designed such that drainage from all impervious areas will be directed to the SWM/BMP(s). (EE)
- 8. All silt basins and pits shall be sized a minimum of twenty-five (25) percent larger than the minimum storage volume required by the State Erosion and Sediment Control Manual. (EE)
- 9. Direct vehicular access from the property to Route 60 shall be limited to one (1) entrance/exit. This access shall be limited to right-turns-in and right-turns-out only and the location shall be approved by the Transportation Department, unless the Virginia Department of Transportation (VDOT) approves a signalized crossover at this access no closer than 600 feet from the Tuxford Road intersection. If VDOT approves a signalized crossover to serve the property, left turn lanes shall be provided as required by the Transportation Department.

If the existing right out only vehicular access onto Route 60 that serves the adjacent parcel to the west (identified as Tax ID 7517071228) is eliminated, an additional vehicular access from the property to Route 60 may be provided. This additional access shall be generally located at the western property line, and shall be limited to right-turns-in and right-turns-out only. The

exact location of this access shall be approved by the Transportation Department and may be shared and made available to the adjacent parcels to the west. (T)

- 10. In conjunction with initial development on the property, the developer shall provide the following:
  - a. Construction of additional pavement and curb and gutter along the eastbound lanes of Route 60 to provide a right turn lane at the each approved vehicular access.
  - b. Closing the existing crossover on Route 60 west of the Tuxford Road intersection, if approved by VDOT.
  - c. Dedication to the County of Chesterfield, free and unrestricted, any additional right-ofway (or easement) required for the improvement identified above. The dedication shall occur prior to site plan approval. (T)
- 11. All streets that serve townhouse use and accommodate general traffic circulation through those developments, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)
- Notification. The developer shall be responsible for notifying by registered, certified or first class mail, the last known representative on file with the Planning Department of the Shenandoah Community Association of any site or tentative subdivision plan or development standards waiver application submittal. Such notification shall occur as soon as practical, but in no event less than forty (40) days prior to approval or disapproval of the plan or waiver. The developer shall provide a copy of the notification letter(s) to the Planning Department. (P)

AYES: Messrs. Brown, Hassen and Waller.

ABSENT: Messrs. Gulley and Bass.

In Midlothian Magisterial District, **HOLIDAY SIGNS**, **INC**. requests Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial/light industrial and mixed use corridor uses. This request lies in a General Business (C-5) District on 11.2 acres fronting approximately 270 feet on the north line of Hull Street Road, approximately 420 feet east of Turner Road also fronting approximately 370 feet on the east line of Turner Road, approximately 280 feet north of Hull Street Road. Tax ID 765-698-Part of 9008.

Ms. Peterson presented an overview of the request and staff's recommendation for denial noting the proposed computer-controlled, variable message; electronic sign did not conform to the adopted Electronic Message Policy.

Mr. Kyle Dillaman, the applicant's representative, stated that the applicant had worked closely with staff to produce a sign that was acceptable.

No one spoke in favor of or in opposition of the request.

Mr. Waller stated the applicant had worked with staff on the proposed sign and the proffered conditions were acceptable.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 08SN0235 and acceptance of the following proffered condition:

## PROFFERED CONDITION

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of two (2) lines which shall not move nor fade. (P)
- b. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
- c. The copy display color shall either be white or yellow;
- d. Flashing and traveling messages shall be prohibited; and
- e. Bijou lighting and animations effects shall be prohibited.
- f. Such sign shall be located on Hull Street Road.
- g. The base of the sign shall be constructed of brick or brick veneer as depicted in the sign elevation titled "Mini Price Self Storage Hull Street", prepared by Holiday Signs and dated May 28, 2008. (P)

AYES: Messrs. Bass, Brown, Hassen and Waller

ABSENT: Mr. Gulley.

## VIII. <u>CITIZEN COMMENT ON UNSCHEDULED MATTERS.</u>

There were no citizen comments.

### IX. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Hassen, seconded by Dr. Brown, that the meeting adjourned at 7:49 p.m. to November 18, 2008, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES:	Messrs. Bass, Brown, Hassen and Waller.
ABSENT:	Mr. Gulley.

Chairman/Date	Secretary/Date